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Date: March 25, 2008

To: The California Integrated Waste Management Board Staff

From: City of Los Angeles Local Enforcement Agency

Subject: Remarks from the City of Los Angeles Local Enforcement Agency

The City of Los Angeles LEA would like to make a few remarks to clarify our position on the current Waste Board permit process for the combined Sunshine Canyon Landfill operation.

1. We believe the BFI permit application for the combined City/County Landfill should be handled at the local level by the City and County LEA through the normal process. Both of our programs are state certified and currently enforcing our respective City and County permits at Sunshine Canyon. We believe there is no reason why we cannot work jointly to process the BFI combined landfill application and we are appealing the Waste Board staff's action in assuming the role of the enforcement agency. We do not believe there is a gap in regulation as the Waste Board staff believes. In fact, we believe the Waste Board lacks authority for taking over the local permitting process in that the City Council and the County Board of Supervisors has not entered into an agreement and authorized the Waste Board to act as the enforcement agency, as required by State law. The City and County are appealing this fact to the Waste Board as required by our administrative procedure.
2. We strongly believe that any permit issued for the combined operation take into consideration previous land use entitlement conditions so as to appropriately condition the permit. It has been the Waste Board staff opinion that local conditions of approval are separate and should be separately enforced. We believe the best permits are those that evaluate, recognize and support local requirements that clarify operational and technical concerns.
3. Additionally, we have reviewed the application package from BFI and find that some issues in the Joint Technical Document are lacking detail or are incomplete. The City will also be adding the Waste Board's completeness determination to our appeal if not corrected promptly. We believe all technical details should be complete and correct and taken into consideration in drafting the permit.

Currently, the City and County LEAs are working with their respective governing bodies to establish an agreement for the oversight of the combined City/County landfill. This agreement and supporting documents will result in an application for a new Sunshine Canyon Landfill Local Enforcement Agency comprised of City and County staff to oversee day-to-day inspection of the landfill. This new Sunshine Canyon LEA will take the place of the two separate LEAs currently regulating the landfill.

We expect that the agreement, supporting documents and application will be completed by the end of May of this year. We hope the Waste Board will expedite the processing of the Sunshine Canyon Landfill LEA certification so that the Local Enforcement Agency can begin functioning as soon as possible.

